



**{In Archive} Fw: TAS for a TIP under sec. 110**

**Debra Suzuki** to: tbasabe, tbasabe

05/12/2006 11:27 AM

Archive:

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Hi Tony, Below is the email that we received from HQ about **TAS** for TIPs. I edited the emails a little to take out the personal opinions about what option we should go with. This way I feel more comfortable that the email could be shared more widely. Let me know if you have any questions.

- Debra


----- Forwarded by Debra Suzuki/R10/USEPA/US on 05/12/2006 11:19 AM -----

**Darrel Harmon/DC/USEPA/US**

09/21/2005 07:16 AM

To Rich McAllister/R10/USEPA/US@EPA

cc Ann Prezyna/R10/USEPA/US@EPA, Anne Dalrymple/R10/USEPA/US@EPA, Ben Harrison/R6/USEPA/US@EPA, Dave Bray/R10/USEPA/US@EPA, Debra Suzuki/R10/USEPA/US@EPA, Diana Boquist/R10/USEPA/US@EPA, James Havard/DC/USEPA/US@EPA, Laura McKelvey/RTP/USEPA/US@EPA, Mahbulul Islam/R10/USEPA/US@EPA, Mary Manous/R10/USEPA/US@EPA, Meg Silver/R10/USEPA/US@EPA, Nina Dale/R2/USEPA/US@EPA, Rick Vetter/RTP/USEPA/US@EPA, Tod Siegal/DC/USEPA/US@EPA, mcdaniel.doug@epa.gov, laroche.david@epa.gov

Subject Re: TAS **for** a TIP under sec. 110 

Hi Rich: I checked with a couple of aficionado's (one of them "ex") of the TAR, and we are in agreement that the following summarizes the correct approach for your situation.

(1) R10 could do a broad eligibility determination including finding that the Tribe can be reasonably expected to be capable of implementing a 110 TIP, making further eligibility determinations for TIP revisions unnecessary.

(2) Or the Region could choose to do additional eligibility determinations with future TIP revisions. But the jurisdictional determination would definitely NOT have to be re-done (see 49.9(f)), nothing would be sent out, so the future determinations would be a purely internal, and relatively quick, EPA process.

Please let me know if you have further issues, and thanks to Doug McDaniel and David Laroche for their expedient responses.

thanks

Darrel

Rich McAllister/R10/USEPA/US



**Rich  
McAllister/R10/USEPA/US**

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09/12/2005 04:00 PM

To Vetter/RTP/USEPA/US@EPA, James  
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Subject TAS for a TIP under sec. 110

The Swinomish Indian Tribal Community, located on the Swinomish Reservation north of Seattle, met with us last week to discuss their plans to develop a Tribal Implementation Plan in stages, in coordination with the Reg. 10 Federal Air Rules for Reservations. The first set of rules the Tribe plans to establish would regulate open burning, with the plan to replace EPA's rule 49.131 for open burning in the Swinomish FIP. The Tribe's plan is to start with requesting TAS for open burning and approval of a TIP, and then over the next few years develop additional regulations for approval by EPA to add to the TIP.

The step-by-step approach the Tribe is considering led to a question about what they should cover in the initial TAS application. As we all know, the Tribe must go through TAS for each section of the CAA for which they want to be eligible (last year, they were approved for 105 and 505(a)(2)). So, now their plan is to submit a TAS application for sec. 110, but the scope of the TIP to be submitted is just for open burning, and the Tribe is not planning to include a full description of its future plans for TAS/TIP or its capability to do it all. The Tribe was also expecting that once we have qualified it for TAS under sec. 110, it wouldn't have to go through TAS again.

The question is whether a tribe requesting TAS to develop one module of a TIP under sec. 110 must again submit another application for TAS before the Region can act on a later request for approval of a second or third TIP under sec. 110 that is beyond the scope of the initial TAS?

Your thoughts and perspectives on this question would be appreciated.

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